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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/183,343	10/30/1998	PEKKA ISOMURSU	442-007078-U	3022
2512	7590	02/16/2006	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			GELIN, JEAN ALLAND	
			ART UNIT	PAPER NUMBER
			2688	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/183,343

Applicant(s)

ISOMURSU ET AL.

Examiner

Jean A. Gelin

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 8-26 and 31-37.

Claim(s) objected to: _____.

Claim(s) rejected: 27-30.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

DETAILED ACTION

1. This is in response the Applicant's arguments filed on January 26, 2006 in which claims 8-37 are currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turcotte (US 5,930,239) in view of Gaskill (US 5,929,771).

Regarding to claim 27, Turcotte teaches a mobile station having means for wireless communicating wherein the mobile station comprises means for storing a information including a subject and time of the event (i.e., the mobile automatically stores the text message about an appointment upon receiving it, col. 7, lines 45-57); means for transmitting said information via the network (i.e., transmitting messages from one mobile unit to another mobile unit via the service center or network, col. 3, lines 20-33, lines 65-67, col. 10, lines 40-49); means for sending a text message in a user message (SMS) to a receiving device including a destination address of the receiving device subject and time of an event (i.e., the SMS typically including mobile identifier for the message to reach its target, col. 4, lines 18-67).

Turcotte teaches transmission of data from one communication device to another communication device via a network. Turcotte does not specifically teach transmitting a reservation calendar from one user to a second user.

However, transmitting a reservation calendar from one user to a second user is very well known in the art of communications, as evidenced by Gaskill. Gaskill teaches two portable communication devices, two personnel computers or one portable communication device and a personnel computer interchange business card information which is equivalent to reservation calendar data (col. 9, line 47 to col. 11, line 35); and user of one communication device can send and receive scheduling information to and from another communication device (col. 6, line 42 to col. 7, line 11). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Gaskill within the system of Turcotte in order to have a communication device that can send and receive scheduling information either directly or via the network, and increase the performance of the communication device.

Regarding to claim 28, Turcotte in view of Gaskill teaches all the limitations above. Turcotte further teaches wherein said user message is one of a short message, a message according to the standardized SMS message, a message according to the standardized R data field message, a message according to the standardized USSD message, a message according to the standardized SOC message, and a message according to a wireless packet radio service (col. 4, lines 4-66).

Regarding to claim 29, Turcotte in view of Gaskill teaches all the limitations above. Turcotte further teaches wherein said user message comprises ASCII

characters since the ASCII is the most popular coding system used in small communications device to convert letters and numbers into digital form.

Regarding to claim 30, Turcotte in view of Gaskill teaches all the limitations above. Turcotte further teaches the short message includes an identifier identifying said user message (col. 5, lines 1-55).

Allowable Subject Matter

4. Claims 8-26 and 31-37 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: claims 8-26 and 31-37 are allowed for the reasons set forth in the Applicant's remarks filed 9/12/05 in pages 10-12 and 17.

Response to Arguments

6. Applicant's arguments filed 1/26/06 have been fully considered but they are not persuasive.

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). however, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the

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art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA 1969). In this case, the motivation of combining Turcotte and Gaskill is to permit users of the system to interchange business card, which is considered as the reservation calendar data, so that users can send and receive scheduling information to/from other users directly or via the network. Both Turcotte and Gaskil are in the field of exchanging information between communication devices; the transmission of information encompasses the transmission of SMS message. The Examiner maintains that the transmission of text in SMS message is equivalent to the transmission of an electronic business card because both contains text messages.

The Applicant argues that there is no disclosure in Gaskill related to using anything other than the IR protocol. The Examiner maintains that there is nothing in the claims limiting the claimed language to specific protocol. Therefore, the argument is moot.

The Applicant further argues that the SMS protocol of Turcotte and the infrared protocol of Gaskill are quite different and relate to different systems. However, the claims call for the transmission of messages, which can be short text and calendar reservation, not limiting the type of protocols to transmit message. Therefore, the claims are rejected for the same reasons as set forth in the rejections above. The final rejection is maintained.

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Conclusion

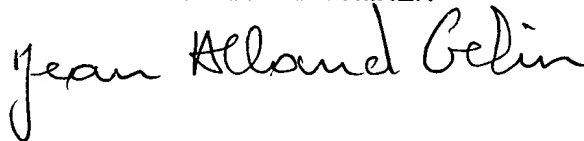
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks-Harold Marsha can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JEAN GELIN
PRIMARY EXAMINER**

JGelin
February 8, 2006

A handwritten signature in black ink that reads "Jean A. Gelin". The signature is written in a cursive, flowing style.